

FITCH, EVEN, TABIN & FLANNERYATTORNEYS AND COUNSELLORS AT LAW
Established in 1859

SUITE 1600 - 120 SOUTH LA SALLE STREET

CHICAGO, ILLINOIS 60603-3406

TELEPHONE (312) 577-7000

FACSIMILE (312) 577-7007

RECEIVED
CENTRAL FAX CENTER
FEB 09 2006

DATE: February 9, 2006

NO. OF PAGES: Cover + 8

FROM: John J. Gresens

DISPATCHED BY: Molly

Re: *U.S. Application No. 10/674,427, filed 10/01/2003*
Inventor(s): Lilley, John David

OUR FILE NO.: 87083

TO: Name: Examiner Michael P. Alexander, Group Art Unit 1742
Company/Firm: USPTO
City/State/Country: Alexandria, VA
Facsimile No.: 571.273.8300

MESSAGE:

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

FEB 09 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 10/674,427
Filed: October 1, 2003
Applicants: Lilley, John David
Title: Graphite and
Nitrogen-free Cast
Alloys
Art Unit: 1742
Examiner: Alexander, Michael P.
Attorney Docket: 87083
Customer No.: 22242

Confirmation No. 5662

CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being faxed to
Examiner Michael P. Alexander, Group Art Unit 1742, at
571.273.8300 at the Commissioner for Patents, Alexandria,
VA, on this date

FEB 09 2006

Date Molly M. DeMent

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir or Madam:

This Communication is filed along with a Response to Notice of Non-Compliant Amendment. This Communication summarizes two telephonic interviews: the first took place on December 16, 2005, with Examiner Deborah Yee and the second took place on February 8, 2006, with Examiner Michael Alexander.

The interview of December 16, 2005, took place with Examiner Yee after Applicants filed a Response to Office Action dated December 8, 2005. The discussion at the interview generally followed those remarks. Applicant's attorney argued that the prior art does not teach or suggest the claimed invention. Examiner Yee agreed to reconsider the references.

The interview of February 8, 2006, took place with Examiner Alexander after Applicants filed a Request for Continued Examination with amended claims on January 19, 2006. Examiner Alexander and Applicant's attorney did not reach agreement on the claims. Examiner Alexander

BEST AVAILABLE COPY

agreed that the references cited in the Advisory Action dated December 21, 2005, do not teach the claimed invention. Examiner Alexander indicated he would update his searching.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:


John J. Gresens
Reg. No. 33,112

Dated: Feb. 9, 2006
120 South LaSalle Street, Suite 1600
Chicago, IL 60603
Telephone: 312/577 7000
Facsimile: 312/577 7007